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Albert S. Michalik, PLLC
704 228th Avenue NE
Suite 193
Sammamish WA 98074

In re Application of
Ron J. Kadlec, et al.
Application No. 09/894,824
Filed: June 28, 2001

For: **METHOD AND SYSTEM FOR
REPRESENTING AND DISPLAYING DIGITAL
INK**

MAILED

JUN 30 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the request for re-mailing filed April 4, 2005, which is treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181. No fee is required.

This application is held abandoned for failure to timely file a response to the non-final Office action mailed March 12, 2004. A Notice of Abandonment was mailed October 6, 2004.

Petitioner asserts that the non-final Office action was not received due to an incorrect address. Petitioner states that a power of attorney and change of correspondence address was submitted on May 16, 2002.

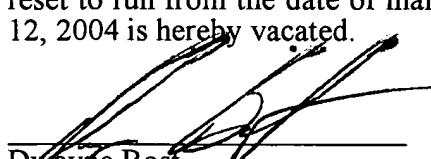
The petition fails to comply with MPEP §711.03(c) for a successful petition to withdraw the holding of abandonment. Petitioner failed to supply a copy of their docket record with explanation of said record and also failed to attest of a personal search of their file jacket and docket records for the Office action.

However, a review of the application file reveals the Change of Correspondence address was received on May 20, 2002 and is part of the file record. The file record also reveals that the non-final Office action was mailed to an incorrect address. In addition, the file record reveals that the content of the Office action was returned to the Office given that the time period for forwarding mail had expired. Given that the non-final Office action was mailed to an incorrect address and returned to the Office, there was an obvious irregularity in the mailing of the Office communication.

Thus, the application was not abandoned in fact. Accordingly, the holding of abandonment is withdrawn.

The petition is **GRANTED**.

Given the time lapse from the mailing of the non-final Office until the date of this decision, the application will be returned to the examiner to update as appropriate, their search and to prepare a new Office action for mailing. The time period for response to the non-final Office action will be reset to run from the date of mailing of the new Office action. The Office action mailed on March 12, 2004 is hereby vacated.


Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications